

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 1:05cr33WJG-RHW-1

JENNIFER DIAZ

ORDER MODIFYING JUDGMENT

THIS MATTER is before the Court, *sua sponte*, for modification of the criminal judgment imposed in this cause on June 27, 2006, in open Court. (Ct. R., Doc. 8.)

The United States of America [United States], by and through Assistant United States Attorney Donald Ray Burkhalter, has represented to this Court that Defendant Jennifer Diaz has now filed back returns and/or amended returns; the Internal Revenue Service [IRS] has not yet completed its investigation and calculation of back-taxes due and owing by Defendant; and that Defendant's filing of the delinquent and/or amended returns may result in no back-taxes being due and owing by the Defendant. Based on this information, the Court finds that it must modify its previously entered Judgment against this Defendant to the extent that the requirement of the immediate commencement of the payment of \$500.00 per month towards restitution to the IRS by the Defendant should be stayed until such time as the IRS concludes its investigation and can determine a finite amount due and owing by this Defendant. The United States Attorneys Office shall notify this Court within ten days of the IRS notification of its final determination of restitution owing by this Defendant, if any. It is therefore,

ORDERED AND ADJUDGED that the requirement of the Defendant to begin the \$500

monthly payments towards her restitution as set forth in the Judgment [8] entered in this cause, be, and is hereby stayed, until further order of this Court. It is further,

ORDERED AND ADJUDGED that in all other respects, the Judgment remains in full force and effect.

SO ORDERED AND ADJUDGED, this the 6th day of December, 2006.

*Walter J. Gex III*

UNITED STATES SENIOR DISTRICT JUDGE